

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TERESA ROWLAND,)
)
Plaintiff,)
)
v.) Case No. CIV-15-741-M
)
CAROLYN COLVIN,)
Acting Commissioner of the)
Social Security Administration,)
)
Defendant.)

ORDER

On June 27, 2016, United States Magistrate Judge Bernard M. Jones issued a Report and Recommendation in this action in which plaintiff seeks judicial review of the final decision of defendant Acting Commissioner of the Social Security Administration (“Acting Commissioner”), denying plaintiff’s application for supplemental security income benefits. The Magistrate Judge recommended the Acting Commissioner’s decision in this matter be affirmed. The parties were advised of their right to object to the Report and Recommendation by July 11, 2016. On July 11, 2016, plaintiff filed her objection to the Report and Recommendation, and on July 19, 2016, the Acting Commissioner filed her response to plaintiff’s objection.

Plaintiff objects to the Report and Recommendation and takes issue with the Magistrate Judge’s determination that the Administrative Law Judge (“ALJ”) did not err in using the term “simple instructions and simple work-related decisions” to accurately describe and account for plaintiff’s mental limitations in the Residual Functional Capacity (“RFC”) determination. Plaintiff further contends that the Magistrate Judge failed to properly address the ALJ’s erroneous hypotheticals given to the Vocational Expert (VE). The Acting Commissioner contends that substantial evidence was presented to support the ALJ’s determination that plaintiff

could perform simple, routine, and repetitive work with occasional contact with the general public. Further, the Acting Commissioner asserts that even though the document scanner position identified by the VE had a GED reasoning level of 3, which was inconsistent with the ALJ's RFC finding for plaintiff, that error was harmless since there were two other positions (addresser, and touch-up screener, printed circuit board assembly) with a significant number of jobs identified, which plaintiff could perform based on her RFC.

Having reviewed this matter de novo, the Court finds the Magistrate Judge did not err in finding that substantial evidence was presented to support the ALJ's RFC determination as to plaintiff's mental limitations, and despite the fact that the Magistrate Judge did not address plaintiff's contention that the ALJ erred in finding that substantial evidence supported the VE's finding that plaintiff could perform the job of document scanner, the Magistrate Judge did not err in finding substantial evidence supported the ALJ's determination that plaintiff could perform the jobs of addresser, or touch-up screener, printed circuit board assembly.

Accordingly, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 19] issued by the Magistrate Judge on June 27, 2016, and
- (2) AFFIRMS the decision of the Acting Commissioner.

IT IS SO ORDERED this 8th day of September, 2016.



VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE